

Appointment

From: Boydston, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DCF50BF734B64D33AE1C963B175A3487-BOYDSTON, MICHAEL]
Sent: 6/23/2019 3:33:02 PM
To: Boydston, Michael [Boydston.Michael@epa.gov]; Rountree, Jillian [Rountree.Jillian@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]; Antoine, Ami [Antoine.Ami@epa.gov]; Bell, Brian [bell.brianc@epa.gov]; Benoy, Barbara [Benoy.Barbara@epa.gov]; Bernstein, John [bernstein.john@epa.gov]; Blazej, Nova [Blazej.Nova@epa.gov]; Borowiec, Elizabeth [Borowiec.Elizabeth@epa.gov]; Bouchee-Cureton, Yolanda [bouchee.yolanda@epa.gov]; Branche, Stephanie [Branche.Stephanie@epa.gov]; Clarke, Rosita [clarke.rosita@epa.gov]; Cossa, Laura [cossa.laura@epa.gov]; Cragan, Keary [cragan.keary@epa.gov]; Delgrosso, Karen [Delgrosso.Karen@epa.gov]; Engelman, Alexa [ENGELMAN.ALEXA@EPA.GOV]; Ferreira, Steve [Ferreira.Steve@epa.gov]; Gallagher, Theresa (R3) [gallagher.theresa@epa.gov]; Goforth, Kathleen [Goforth.Kathleen@epa.gov]; Goldman, Andrew [Goldman.Andrew@epa.gov]; Hayden, Keith [Hayden.Keith@epa.gov]; Hogan, Joanne [Hogan.Joanne@epa.gov]; Kennedy, Deborah [Kennedy.Deborah@epa.gov]; Kenney, Thomas [kenney.thomas@epa.gov]; Kline, Marilyn [Kline.Marilyn@epa.gov]; Kloeckner, Jane [Kloeckner.Jane@epa.gov]; Knapp, Michael [Knapp.Michael@epa.gov]; Kyei-Aboagye, Kwabena [Kyei-Aboagye.Kwabena@epa.gov]; Lakhani, Puja [lakhani.puja@epa.gov]; Laszewski, Virginia [Laszewski.Virginia@epa.gov]; Le_Roy, William [le-roy.william@epa.gov]; Leon, Sandra [Leon.Sandra@epa.gov]; Magnuson, Janet [Magnuson.Janet@epa.gov]; Mankowski, Craig [mankowski.craig@epa.gov]; Matsumoto, Kimi [Matsumoto.Kimi@epa.gov]; McKeown, Amy Jean [McKeown.AmyJean@epa.gov]; Militscher, Chris [Militscher.Chris@epa.gov]; Nast, Jeffrey [Nast.Jeffrey@epa.gov]; Odusoga, Abimbola [ODUSOGA.ABIMBOLA@EPA.GOV]; Olson, Erik [olson.erik@epa.gov]; Rongone, Marie [Rongone.Marie@epa.gov]; Rubin, Howard E [Rubin.HowardE@epa.gov]; Rumrill, Nancy [Rumrill.Nancy@epa.gov]; Robinson, Valois [Robinson.Valois@epa.gov]; Siegal, Tod [Siegal.Tod@epa.gov]; Smith, Annette [smith.annette@epa.gov]; Smith, Stephen [Smith.Stephen@epa.gov]; Spencer, Kelvin [Spencer.Kelvin@epa.gov]; Stoddard, Jamey [Stoddard.Jamey@epa.gov]; Storm, Linda [Storm.Linda@epa.gov]; Tavassoli, Lily [tavassoli.lily@epa.gov]; Tilley, Amber [Tilley.Amber@epa.gov]; Trice, Jessica [Trice.Jessica@epa.gov]; Wester, Barbara [wester.barbara@epa.gov]; Whitney, Janice [Whitney.Janice@epa.gov]; Yackulic, Ted [yackulic.ted@epa.gov]; Lumino, Karen [lumino.karen@epa.gov]; Suriano, Elaine [Suriano.Elaine@epa.gov]; jeddins@achp.gov; Allen, Dana [Allen.Dana@epa.gov]; Okorn, Barbara [Okorn.Barbara@epa.gov]; Clark, Maria [Clark.Maria@epa.gov]

Subject: Quarterly NHPA call

Location: Ex. 6 Personal Privacy (PP) code Ex. 6 Personal Privacy (PP)

Start: 9/3/2019 7:00:00 PM

End: 9/3/2019 7:30:00 PM

Show Time As: Busy

Required Attendees: Rountree, Jillian; Alvarado, Tina; Antoine, Ami; Bell, Brian; Benoy, Barbara; Bernstein, John; Blazej, Nova; Borowiec, Elizabeth; Bouchee-Cureton, Yolanda; Branche, Stephanie; Clarke, Rosita; Cossa, Laura; Cragan, Keary; Delgrosso, Karen; Engelman, Alexa; Ferreira, Steve; Gallagher, Theresa (R3); Goforth, Kathleen; Goldman, Andrew; Hayden, Keith; Hogan, Joanne; Kennedy, Deborah; Kenney, Thomas; Kline, Marilyn; Kloeckner, Jane; Knapp, Michael; Kyei-Aboagye, Kwabena; Lakhani, Puja; Laszewski, Virginia; Le_Roy, William; Leon, Sandra; Magnuson, Janet; Mankowski, Craig; Matsumoto, Kimi; McKeown, Amy Jean; Militscher, Chris; Nast, Jeffrey; Odusoga, Abimbola; Olson, Erik; Rongone, Marie; Rubin, Howard E; Rumrill, Nancy; Robinson, Valois; Siegal, Tod; Smith, Annette; Smith, Stephen; Spencer, Kelvin; Stoddard, Jamey; Storm, Linda; Tavassoli, Lily; Tilley, Amber; Trice, Jessica; Wester, Barbara; Whitney, Janice; Yackulic, Ted; Lumino, Karen; Suriano, Elaine; jeddins@achp.gov; Allen, Dana; Okorn, Barbara; Clark, Maria

Hi all - Final agenda for today's call below. Talk to you soon.

Michael Boydston
Senior Assistant Regional Counsel
EPA Region 8
303.312.7103

ED_005364I_00011442-00001

September 3, 2019 NHPA Call

Agenda

1. Joint undertakings / other agencies as lead for section 106. R8 Dewey-Burdock uranium project discussion. (Mike Boydston to introduce.) See [Frequently Asked Questions About Lead Federal Agencies in Section 106 Review \(ACHP\)](#); Dewey Burdock UIC permit docket.
2. Regional/other EPA office reports and questions

NHPA updates

- In *Dine Citizens Against Ruining Our Environment v. Bernhardt*, 923 F.3d 831 (10th Cir. 2019), various groups, including Dine Citizens Against Ruining Our Environment, sued Department of Interior and Bureau of Land Management (BLM) officials, alleging violations of the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA) in connection with the approval of more than 300 applications for permits to drill horizontal, multi-stage hydraulically fracked wells in the Mancos Shale area of the San Juan Basin in northeastern New Mexico. Plaintiffs contended that BLM authorized the drilling without fully considering its indirect and cumulative impacts on the environment or on historic properties. The district court denied the plaintiffs' motion for injunctive relief. On appeal, the Tenth Circuit upheld most of the permits but vacated others on the ground that BLM had failed to consider cumulative impacts in considering the reasonably foreseeable development scenarios (RFDS) relating to the permits when it connected its environmental assessment (EA) under the NEPA: "We conclude that the 3,960 horizontal Mancos Shale wells predicted in the 2014 RFDS were reasonably foreseeable after the 2014 RFDS issued. The BLM therefore had to consider the cumulative impacts of all 3,960 wells when it conducted its site-specific EAs. ... As to these five EAs, the BLM was required to, but did not, consider the cumulative impacts on water resources associated with drilling the 3,960 reasonably foreseeable horizontal Mancos Shale wells. The BLM therefore acted arbitrarily and capriciously in issuing FONSI and approving APDs associated with these EAs." [Excerpt from [Godfrey & Kahn's June 19, 2019, Indian Nations update](#)]
- **Senate Bill Proposes to Exempt Rural Projects from Environmental Review.** Senators Marsha Blackburn (R-TN), David Perdue (R-GA), and Cindy Hyde-Smith (R-MS) have introduced The Paving the Way for Rural Communities Act of 2019 (S 2430), to remove burdensome regulations in rural areas to allow more flexibility to implement efficient infrastructure projects. The bill seeks to increase rural community access to better economic opportunities and infrastructure projects by removing the Endangered Species Act, National Historic Preservation Act and National Environmental Policy Act requirements from federally funded projects or activities in areas not a part of a metropolitan statistical area as designated by the Office of Management and Budget. According to Senator Blackburn, "Tennessee's rural communities are the heart of our state's agriculture businesses. We should not have laws in place that hinder, rather than help, economic development in these areas." The bill has been referred to the Committee on Environment and Public Works. [[Lexology/Womble Bond Dickinson \(US\) LLP, Marjorie Spivak](#)]

(Thanks to Barbara Wester for sending the two items above.)

- D.C. Circuit: [Tribes have right to review FCC-regulated development](#). Decision [here](#).
- [Houston, We Have Mission Control: NASA Refurbishes Iconic Room Where Space Exploration Began](#). "' The Mission Control Center restoration project is the first time the Advisory Council on Historic Preservation has used the special authority granted to it by the National Historic Preservation Act that enables it to accept private donations and transfer them to other federal agencies for preservation purposes,' said advisory council Chairman Milford Wayne Donaldson."